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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,594	01/11/2001	Hideyuki Shimonishi	P/1905-97	5741
7590	04/18/2005			
Steven I Weisburd DICKTEIN SHAPIRO MORIN & OSHINSKY LLP 1177 Avenue of the Americas 41st Floor New York, NY 10036-2714			EXAMINER LEE, CHI HO A	
			ART UNIT 2663	PAPER NUMBER

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/743,594

Applicant(s)

SHIMONISHI, HIDEYUKI

Examiner

Andrew Lee

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-76 is/are pending in the application.
4a) Of the above claim(s) 27-76 is/are withdrawn from consideration.
5) ☒ Claim(s) 12 and 14-26 is/are allowed.
6) ☒ Claim(s) 1,3,5,7,9,11 and 13 is/are rejected.
7) ☒ Claim(s) 4,6,8 and 10 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 01 January 0111 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/16/01;1/11/01.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I in the reply filed on 11/04/04 is acknowledged.

Claims 27-76 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/04/04.

Specification

2. The abstract of the disclosure is objected to because it is too long. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3, 5, 7, 9, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 3, it recites, "which is not included in ATM header information, but included in a start cell of the packet". It is clear that packet includes a header to identity routing information and the header of the packet is not included in ATM header information. As it is clear that packet are dividing into the payload field of the ATM cell, it is unclear what is meant by "but included in a start cell of the packet". Applicant is requested to reference the specification so mete and bound can be determined.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3, 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Subbiah et al U.S. Patent Number 6,538,992.

Re claim 1, Subbiah et al teaches in fig. 1, a local peer entity (a node apparatus) communicating with a remote peer entity over ATM connections (VC set) for transmitting packets. The local peer entity receives and performs packet identification and obtains QoS requirements from the ANP memory table 106 (a quality description table) and stores the packet in QoS queues (a plurality of output queues) whereby the Multilevel QoS ATM service module 100 (output control section) performs read control on a packet from each QoS queue. It is inherent to include a route table to perform packet identification. The module 100 determines the output destination for the receive packet by searching the QoS parameters in ANP table 106 and route table and further stores the output packet in Output Queue 110 (See col. 7, lines 1-60).

Re claim 3, refer to Claim 1, “which is not included in ATM header information, but included in a start cell of the packet” is interpreted as packets are assembled into ATM cells; wherein the module 100 accesses the ANP table to determine the CID (sent

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out through VC) and QoS information for the output packet to the same Output queue 110.

Re claim 13, refer to claim 1, fig. 1 teaches plurality of QoS queues each associated predetermined qualities; peer entity identifies and checks the QoS and routing information in the packet header, hence it is inherent that peer entity to have a routing table to determine the destination address for the packet whereby the module 100 accesses the routing table and the ANP table 106 collectively (an output table), to determine the CID (output VC) for the output packet to be stored in the output queue 110 (an output control section) and later transmitted to the remote entity over the ATM connection; since, the fig. 1 identifies the receive packet, it is inherent to include a header processing section to identify the receive packet to be stored in the QoS queues (an output queue).

Allowable Subject Matter

7. Claims 4, 6, 8, 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 5, 7, 9, 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

In combination with claims 1 and 4, prior art fails to teach as recited in claim 4, the plurality of fields in the quality description table used for determining the quality of the receive packet to be used for read out from the output queue.

9. Claims 12, 14, 15-26 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

As recited in independent claims 14 and 15, prior art fails to storing the start cell in packet queue corresponding to an input VC and simultaneously moving all cells constituting the packet stored in packet queue to the determined output queue when a final cell of the packet is stored.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

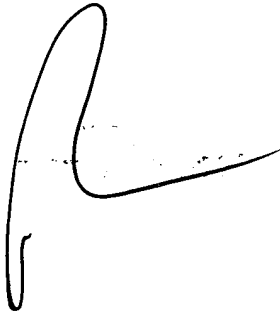
U.S. Patent Number 6,104,713 teaches in fig. 3 a routing table with QoS specification associated with destination, output I/F and output Virtual connection ID.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AI
04/11/05

A handwritten signature in black ink, consisting of a large, stylized 'A' or 'P' shape with a horizontal line extending to the right.